

## U.S. EQUAL OPPORTUNITY COMMISSION

**NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)**

To: Ida Tucker  
16781 Torrence  
Lansing, IL 60638

From: Chicago District Office  
500 West Madison St  
Suite 2800  
Chicago, IL 60661

**CERTIFIED MAIL 7003 3110 0004 0947 3262**

On behalf of person(s) aggrieved whose identity is  
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

21B-2007-00122

Armernola P. Smith,  
State & Local Coordinator

(312) 886-5973

(See also the additional information enclosed with this form.)

**NOTICE TO THE PERSON AGGRIEVED:**

**Title VII of the Civil Rights Act of 1964 and/or the Americans with Disabilities Act (ADA):** This is your Notice of Right to Sue, issued under Title VII and/or the ADA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII or the ADA must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

More than 180 days have passed since the filing of this charge.

Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.

The EEOC is terminating its processing of this charge.

The EEOC will continue to process this charge.

**Dissemination In Employment Act (ADEA):** You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case:

The EEOC is closing your case. Therefore, your lawsuit under the ADEA must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice. Otherwise, your right to sue based on the above-numbered charge will be lost.

The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

**Equal Pay Act (EPA):** You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

*John P. Rowe*

11/02/07

(Date Mailed)

John P. Rowe,  
District Director

cc: WHELAN SECURITY CO  
10 S Riverside Plaza  
Chicago, IL 60606



## CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.

27W0919-08

### AGENCY

FEPA  
 EEOC

### CHARGE NUMBER

2007CF0996

Illinois Department of Human Rights

and EEOC

State or Local Agency, if any

NAME (Indicate Mr., Ms., Mrs.)

Ms. Ida Tucker

HOME TELEPHONE (Include Area Code)

708-955-9580

STREET ADDRESS

16751 Torrence Avenue

CITY, STATE AND ZIP CODE

Lansing, IL 60438

DATE OF BIRTH

8/30/1970

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)

NAME

Whelan Security Co.

NUMBER OF EMPLOYEES, MEMBERS

15+

TELEPHONE (Include Area Code)

312 795-1090

STREET ADDRESS

10 South Riverside Plz.

CITY, STATE AND ZIP CODE

Chicago, IL 60606

COUNTY

Cook

NAME

N/A

TELEPHONE NUMBER (Include Area Code)

N/A

STREET ADDRESS

CITY, STATE AND ZIP CODE

N/A

COUNTY

N/A

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))

RACE  COLOR

SEX

RELIGION

NATIONAL ORIGIN

RETALIATION

AGE

DISABILITY

OTHER (Specify)

DATE DISCRIMINATION TOOK PLACE EXACTLY

June 2006

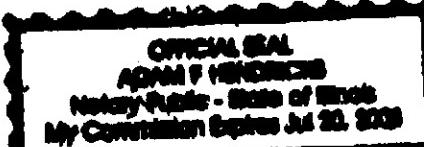
August 2006

CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I was hired by Whelan Security Co. on or around August 11, 2005. From mid-June of 2006 until July of 2006, I was subjected to sexual harassment. Despite multiple complaints, the harassment continued. In July and August of 2006, I was also retaliated against for complaining about sexual harassment in violation of Title VII of the Civil Rights Act of 1964, as amended.

DEPT. OF HUMAN RIGHTS  
INTAKE UNIT  
SEP 19 2006  
RECEIVED  
BY



I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the foregoing is true and correct.

Date 9-18-06

Charging Party (Signature)

NOTARY (Write Signature for State and Local Requirements)

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWEARN TO BEFORE ME THIS DATE  
(Day, Month, and year) 19 Septem 2006

**IDA TUCKER V. WHELAN SECURITY CO.**

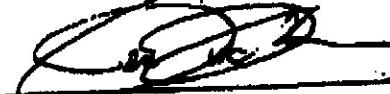
Page 2 of charge:

**I. A. ISSUE/BASIS**

1. Sexually harassed from approximately mid-June of 2006, and continuing until July of 2006.

**B. PRIMA FACIE ALLEGATIONS**

1. I was hired by Respondent, WHELAN SECURITY CO., as a security officer on or about August 11, 2005. During my employment, I was discriminated against because of my sex, female. I was also subjected to sexual harassment by FRED ROGERS ("ROGERS"), my supervisor. Respondent has failed to take effective corrective action in a timely manner, and has failed to prevent the sexual harassment.
2. I believe that I have been discriminated against because of my sex, female, and sexually harassed in that:
  - a. I was a satisfactory and conscientious employee.
  - b. On or around June 23, 2006, ROGERS said to me, "I got a picture to show you." He did not tell me anything else. He proceeded to show me a picture in his cell phone that was a graphic picture of his penis.
  - c. I was shocked and disgusted when he showed me the picture of his penis. I immediately looked away and responded, "Why didn't you warn me about that picture? I don't want to see that." ROGERS just smiled in response to my complaint.
  - d. After ROGERS left work that same day, he called the building and asked me, "Are you still speechless about my picture that I showed you?" I told him, "I can't talk right now," and I hung up the telephone.
  - e. Later that same night, ROGERS called me again on my personal cell phone. This time ROGERS asked me, "What are you doing tonight? Do you drink?" I told him, "I am not interested in him and that; I do not go out to bars."



Complainant's Signature

9-18-06

Date

11/02/2007 09:49 312-814-6251

DHR

IDA TUCKER V. WHELAN SECURITY CO.

Page 3 of charge:

- f. On or around June 30, 2006, as I was changing in the locker room, ROGERS stood close to the locker room door for an extended period of time. This made me uncomfortable because I did not want him to see me in my underwear. I told ROGERS that he should leave that area because I had to change my clothes. He responded, "Yeah, I better go." and walked away.
- g. Later that same day, as I was walking through the dock area, ROGERS said to me, "I want to see you in those underwear." I did not respond to his offensive comment and walked away as fast as I could.
- h. Also on June 30, 2006, Rogers sent the same graphic picture of his penis to my cell phone. After I received this picture, I tried to avoid ROGERS as much as possible. I was very scared of him after he sent the picture of his penis to my cell phone.
- i. On or about August 17, 2006, I called the human resources office and complained about ROGERS' harassment. They advised me to call MICHAEL SELDON ("SELDON"). I called SELDON advised me to set up a meeting with ALVIN HARGROVE ("HARGROVE"). I called HARGROVE and we set up a meeting for the next day.
- j. On or about August 18, 2006, I met with HARGROVE and told him about ROGERS' sexually offensive conduct and I showed him the picture of ROGERS' penis that ROGERS had sent me.
- k. On or about August 21, 2006, I talked to HARGROVE again. He told me that ROGERS admitted that he sent a picture of his penis to my cell phone.

  
Complainant's Signature4-18-08

Date

**IDA TUCKER V. WHELAN SECURITY CO.**

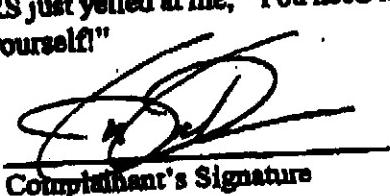
Page 4 of charge:

**II A. ISSUE/BASIS**

1. Retaliated against for complaining about sexual harassment and rejecting supervisor's sexual advances.

**B. PRIMA FACIE ALLEGATIONS**

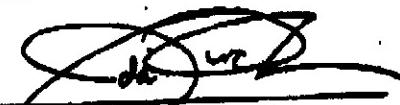
1. I believe that I have been retaliated against for having openly opposed discrimination.
  - a. I first complained to ROGERS on June 23, 2006, when he showed me the picture of his penis. I asked him, "Why didn't you warn me about that picture? I don't want to see that."
  - b. That same night when ROGERS called my personal cell phone I told him that I was not interested in him and that I did not go out to the bars.
  - c. After I began to avoid ROGERS, another employee, and ROGERS' close friend, LENNY BROWN ("BROWN"), began to ridicule and harass me daily.
  - d. On a daily basis throughout July and August of 2006, BROWN critiqued my work and ridiculed me in front of other employees so it appeared as though I was an unsatisfactory employee. However, BROWN was not my supervisor and his critiques were fabricated and inappropriate. I believed that BROWN was only trying to make my work environment difficult because I had rejected ROGERS' sexual advances.
  - e. In July of 2006 and August of 2006, I complained to ROGERS numerous times about BROWN's daily ridicule and treatment. ROGERS never investigated my complaints regarding BROWN's conduct. In fact, whenever I complained to ROGERS about BROWN, ROGERS just yelled at me, "You need to work the problem out with Lenny yourself!"

  
Complainant's Signature9-18-04  
Date

IDA TUCKER V. WHELAN SECURITY CO.

Page 5 of charge:

- f. On or around August 16, 2006, I complained to ROGERS again about BROWN's conduct toward me. ROGERS gave me a copy of the anti-harassment policy and asked me to sign it. I signed and dated the policy. This was the first time that I had received a copy of the anti-harassment policy.
- g. After I signed the harassment policy, and later that same day, I was written up twice. First, I was written up because a couple days earlier, I had come 1 ½ hours late to a training meeting. However, BROWN and ROBERT TISCANO ("TISCANO") never attended the training meeting and they were not written up. Second, I was written up for "Failing to properly brief BROWN" before his shift started. I always fully briefed BROWN before his shift and I believe this write-up was meant to harass me.
- h. When I met with HARGROVE on August 18, 2006, I also told him that BROWN and ROGERS were retaliating against me for rejecting ROGERS sexual advances and sexually offensive conduct.
- i. On August 19, 2006 I asked ROGERS if I could work some overtime hours. ROGERS then asked me, "Well what do you need to take overtime for? What is your reason for wanting to work overtime? I have to approve it." This should not have been his concern, ROGERS was trying to get me upset and to harass me.
- j. The adverse actions stated above followed my protected activity within such a period of time as to raise an inference of retaliatory motivation.

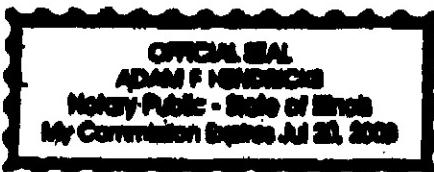
  
Complainant's Signature

9-18-06  
Date

Subscribed and sworn to before me this

18<sup>th</sup> day of September, 2006.

  
Notary Public



## FILING SUIT IN COURT OF COMPETENT JURISDICTION

### PRIVATE SUIT RIGHTS:

This issuance of this Notice of Right to Sue ends EEOC's process with respect to your charge. You may file a lawsuit against the respondent named in your charge within 90 days from the date you receive this Notice. Therefore you should keep a record of the date. Once this 90-day period is over, your right to sue is lost. If you intend to consult an attorney, you should do so as soon as possible. Furthermore, in order to avoid any question that you did not act in a timely manner, if you intend to sue on your own behalf, your suit should be filed well in advance of the expiration of the 90-day period.

You may file your lawsuit in a court of competent jurisdiction. Filing this Notice is not sufficient. A court complaint must contain a short statement of the facts of your case which shows that you are entitled to relief. Generally, suits are brought in the state where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office.

You may contact EEOC if you have any questions about your rights, including advice on which court can hear your case, or if you need to inspect and copy information contained in the case file.

A lawsuit against a private employer is generally filed in the U.S. District Court.

A lawsuit under Title VII of the Civil Rights Act of 1964, as amended, against a State agency or a political subdivision of the State is also generally filed in the U.S. District Court.

However, a lawsuit under the Age Discrimination in Employment Act or the Americans with Disabilities Act or, probably, the Equal Pay Act against a State instrumentality (an agency directly funded and controlled by the State) can only be filed in a State court.

A lawsuit under the Age Discrimination in Employment Act or the Americans with Disabilities Act or the Equal Pay Act against a political subdivision of the State, such as municipalities and counties, may be filed in the U.S. District Court.

For a list of U.S. District Courts, please see reverse side.

**IF THE FIRST THREE CHARACTERS OF YOUR EEOC CHARGE NUMBER ARE "21B" AND YOUR CHARGE WAS INVESTIGATED BY THE ILLINOIS DEPARTMENT OF HUMAN RIGHTS (IDHR), REQUEST FOR REVIEWING AN INVESTIGATION AND FOR A COPY OF THE IDHR REPORT MUST BE MADE TO IDHR.**

### ATTORNEY REPRESENTATION:

If you cannot afford or have been unable to obtain a lawyer to represent you, the court having jurisdiction in your case may, assist you in obtaining a lawyer. If you plan to ask the court to help you obtain a lawyer, you must make this request of the court in the form and manner it requires. Your request to the court should be made well before the end of the 90-day period mentioned above. A request for representation does not relieve you of the obligation to file a lawsuit within this 90-day period.

### DESTRUCTION OF FILE:

If you file suit, you or your attorney should forward a copy of your court complaint to this office. Your file will then be preserved. Unless you have notified us that you have filed suit, your charge file could be destroyed as early as six months after the date of the Notice of Right to Sue.

**IF YOU FILE SUIT, YOU OR YOUR ATTORNEY SHOULD NOTIFY THIS OFFICE WHEN THE LAWSUIT IS FILED.**

P. 1

**TRANSMISSION REPORT**

(MED) NOV 14 2007 8:13

User / Account : 87  
 DESTINATION : scott  
 ADDRESS : Scott@aa-law.com

PAGES : 8page  
 RESULT : OK

DOCUMENT# : 7600000-853  
 TIME STORED : NOV 14 8:12  
 TX START : NOV 14 8:13  
 DURATION : 5sec  
 COM. MODE : PC-N

EEOC Form 1a, B (3/98)

**U.S. EQUAL OPPORTUNITY COMMISSION****NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)**

To: **Klous Jordan**  
 320 Richards Street  
 Joliet, IL 60433

From: Chicago District Office  
 500 West Madison St  
 Suite 2200  
 Chicago, IL 60661

Telephone No.

(312) 886-5973

(See also the additional information enclosed with this form.)

CERTIFIED MAIL 7003 3110 0004 0347 3255

On behalf of person(s) aggrieved whose identity is  
**CONFIDENTIAL (29 CFR §1601.7(a))**

EEOC Representative

**Armenola P. Smith,**  
 State & Local Coordinator

21B-2007-00006

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